

REMARKS

Claims 1-34 remain pending. Claims 1, 3, 4, 6-13, 15-18, and 20-34 were described as allowed. Claims 2 and 14 were rejected under §112 as being indefinite. Claims 5, 14 and 19 were objected to because of perceived informalities. The Examiner has objected to pages 1 and 12 of the specification because of incorporation by reference to a foreign application or patent.

Applicants are canceling claims 35-38, directed to non-elected subject matter, without abandonment of their subject matter and without prejudice to pursuing these or similar claims in a continuing application.

Applicants have amended the specification and claims 2, 5, 14, and 19 to address the Examiner's objections and/or rejections.

OBJECTION TO THE SPECIFICATION

The incorporations by reference were deemed to be improper, and Applicants are amending page 12 of the specification to include material previously incorporated by reference. Enclosed is a declaration signed by the attorney representing the Applicants, stating that the amendatory material is the same material as that incorporated by reference from the referenced patent applications. Note that the identical material being added by amendment is contained in both of the incorporated documents (Indian Patent Application No. 425/MAS/2002 and International Application No. PCT/US03/17672), for a method of making Form I of the dihydrochloride of cetirizine.

With regard to Indian Application No. 252/MAS/2003, incorporated at page 1 of the specification, this document is the Applicants' priority application. Applicants hereby respectfully direct Examiner's attention to MPEP §608.01(p) which states that as a safeguard against the omission of a portion of a prior application for which priority is claimed under 35 U.S.C. 119(a)-(d) or (f), or for which benefit is claimed under 35 U.S.C. 119(e) or 120, applicant may include a statement at the time of filing of the later application incorporating by reference the prior application. A valid claim for priority of the foreign application including a certified copy of the Indian application was filed with the paper of April 7, 2007. Thus, incorporation by reference on page 1 to a foreign priority application is entirely proper.

However, if the Examiner continues to deem the incorporation improper, Applicants respectfully request the Examiner to contact the undersigned in order to resolve issues for completion of the examination of the present patent application.

OTHER OBJECTIONS

Claims 5, 14 and 15 have been objected to because of a typographical error. Claims 14 and 15 have been amended to correct the error, and the objections should not be maintained.

SECTION 112 REJECTIONS

Claims 2, 14 have been rejected as being indefinite. Claims 2 and 14 have been amended in accordance with the Examiner's suggestions, and the rejections should be withdrawn.

In view of the foregoing, the Applicants submit that all claims are in condition for allowance. Accordingly, entry of the amendments, reconsideration of this application and its swift passage to issuance are earnestly solicited.

Respectfully submitted,

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